

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VAN OMMERSEN SWEDEN AB,

Plaintiff,

v.

INTERMACH & CO. JSC,

Defendant.
-----x

BARBARA S. JONES

UNITED STATES DISTRICT JUDGE

09 Civ. 5745 (BSJ)
Order


USDC SDNY
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On September 2, 2009, the Court received a letter from Semenov Aleksey A., Deputy Director of Defendant Intermach & Co. JSC ("Intermach"), regarding the instant action. To the extent Intermach requests that the Court vacate its Order Directing the Clerk to Issue Process of Maritime Attachment and Garnishment issued on June 25, 2009, that request is DENIED; Defendant has not given the Court any reason to believe that its funds are improperly attached. To the extent Defendant indicates that it will assert counterclaims against Plaintiff, the Court is constrained to inform Defendant that corporations cannot proceed pro se in federal court. See Grace v. Bank Leumi Trust Co. of N.Y., 443 F.3d 180, 192 (2d Cir. 2006). To assert such claims – and, indeed, to defend against Plaintiff's claims – Defendant will need to retain counsel.¹

¹ The Court is uncertain whether Defendant is a corporation. Plaintiff's Complaint asserts that Defendant is "a foreign corporation or other business

The Court also notes that it is aware both of Plaintiff's pending motion to recognize, confirm, and enforce its arbitral award as well as Plaintiff's efforts to obtain an award of costs from the arbitration tribunal. Plaintiff is directed to notify the Court on or before October 2, 2009 as to the status of its efforts to obtain such a costs award.

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
September 11, 2009

entity organized and existing under the laws of Russia." (Compl. ¶ 4.) However, the law is clear that neither corporations, nor partnerships, nor associations may not appear pro se in federal court. See Lattanzio v. COMTA, 481 F.3d 137, 139-40 (2d Cir. 2007).